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SENATE BILL 1949 By
Norris

HOUSE BILL 1998
By Fitzhugh

AN ACT to amend Chapter 304 of the Private Acts of 1929; as amended by Chapter 11 of the Private Acts of 1931; Chapter 373 of the Private Acts of 1931; Chapter 856 of the Private Acts of 1947 and Chapter 21 of the Private Acts of 1999; and any other acts amendatory thereto, relative to the Lauderdale County Highway Commission.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Section 1 of Chapter 304 of the Private Acts of 1929, as amended by Chapter 11 of the Private Acts of 1931, Chapter 373 of the Private Acts of 1931, Chapter 856 of the Private Acts of 1947, and Chapter 21 of the Private Acts of 1999, and any other acts amendatory thereto, is amended by deleting in its entirety all the language of Section 1 following the enacting clause, and by substituting instead the following language:

(a) The County Highway Department shall be operated under authority of one (1) Highway Commissioner, who shall be responsible for the overall supervision of the County Highway Department. Presently serving members of the former Highway Commission in office on the effective date of this act shall remain in office until the expiration of the term for which such members were elected and until the successor

Highway Commissioner is elected and qualified. The Highway Commissioner shall be elected to serve a four (4) year term at the January, 2003, meeting of the County Legislative Body.

(b) The Highway Commissioner shall be a resident of Lauderdale County, and shall not be eligible for election to any other elected County Office. The Highway Commissioner shall be nominated by the County Executive, or the Chairman of the County Commission if someone other than the County Executive. Nominations shall be made and submitted to the County Legislative Body, who by majority vote of members present shall elect a Highway Commissioner to serve a term of four (4) years from the date such person is elected and until a successor is elected and qualified.

(c) Each Commissioner so elected shall immediately after his election, qualify by making and subscribing to an oath before the County Legislative Body, to faithfully and impartially perform the duties of the office, to the best of his skill and ability, and without favor towards, or prejudice against, any person, section or community of Lauderdale County. Such Commissioner shall also enter into bond, in the sum of one hundred thousand dollars, with good and solvent sureties, approved by the County Executive or Chairman conditioned for the faithful performance of his duties, and for the faithful expending of, and accounting for all, monies coming into his hands, or under his control as such Commissioner, or by virtue of his office, and which oath and bond shall be delivered to and kept on file by the Clerk of the County Legislative Body.

(d) In the event of a vacancy on the Commission, caused by the death, resignation, or removal of residence from the County, the same shall be filled by the County Legislative Body electing a successor to fill out the unexpired term of the Commissioner so vacating the office. Such successor shall be elected at the next meeting of the County Legislative Body following the date the vacancy occurs; said Commissioner to be nominated by the County Executive, the Chairman of the County

Legislative Body, if the Chairman is a person other than the County Executive, or any member of the County Legislative Body who is present at the meeting of the County Legislative Body when the vacancy is to be filled.

SECTION 2. Section 2 of Chapter 304 of the Private Acts of 1929, as amended, is amended by deleting the language "signed by the Secretary and countersigned by the Chairman of said Commission," and by substituting instead the language "signed by the Chairman/Secretary of said Commission".

SECTION 3. Section 4 of Chapter 304 of the Private Acts of 1929, as amended, is amended by deleting the language "signed by the Secretary and countersigned by the Chairman," and by substituting instead the language "signed by the Chairman/Secretary".

SECTION 4. Section 5 of Chapter 304 of the Private Acts of 1929, as amended, is amended by deleting the following language:

They shall be required to meet at their office once each month, on some fixed and regular day to be selected, designated, and published by them, for the purposes of discussing and considering in a body, any and all such matters as may pertain to the carrying out of the work, and to hear and consider petitions and complaint, and to attend to such other business or duties, as may be necessary.

They may also be called to meet for any and all such purposes, at any other time upon two days notice of the time of the meeting, upon call of the Chairman or any two members of the Commission. At all meetings of the Commission, it shall be the duty of the Secretary to keep an accurate account of all business transacted, and accurate minutes of the meetings, in a well bound book and which minutes at the next meeting shall be read, approved and signed by the Secretary and Chairman of the Commission.

and by substituting instead the following language:

The Commission shall be required to set a day, at least once each month, on which the Commission is going to conduct Commission business. Such day shall be a fixed and

regular day to be selected, designated, and published, for the purpose of carrying out the work of the Commission and to hear and consider petitions and complaints. The Chairman/Secretary of the Commission shall keep an accurate account of all business transacted, and accurate minutes of the meetings, in a well-bound book and which minutes at the next meeting shall be read, approved and signed by the Chairman/Secretary.

SECTION 5. Section 5 of Chapter 304 of the Private Acts of 1929, as amended, is further amended by deleting the language "It shall be the duty of the Secretary" and by substituting instead the language "It shall be the duty of the Chairman/Secretary".

SECTION 6. Section 6 of Chapter 304 of the Private Acts of 1929, as amended, is amended by deleting the language "signed by the Secretary and countersigned by the Chairman of the Commission" and by substituting instead the language "signed by the Chairman/Secretary of the Commission".

SECTION 7. Section 6 of Chapter 304 of the Private Acts of 1929, as amended, is further amended by deleting the language "signed by the Secretary and Chairman" and by substituting instead the language "signed by the Chairman/Secretary".

SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 9. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Lauderdale County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the secretary of state.

SECTION 10. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 9.